

ARTICLE APPEARED
ON PAGE A16

NEW YORK TIMES
27 June 1985

Soviet Couple Plead Guilty At West Coast Spying Trial

By JUDITH CUMMINGS

Special to The New York Times

LOS ANGELES, June 26 — In a plea bargain with the Government, a Soviet émigré couple accused of spying with an agent of the Federal Bureau of Investigation pleaded guilty today to avoid possible life sentences.

Under the plea agreement, Svetlana Ogorodnikov is to be given a sentence of 18 years in prison. Her actual sentence to be set later by Federal District Judge David V. Kenyon.

Her husband, Nikolay, in an unusual request, asked to be sentenced immediately and he was given eight years in prison under the terms of the plea agreement.

The couple would be eligible under law for parole after serving one-third of their sentences, Judge Kenyon said.

The maximum sentence for the charge against them, conspiracy to commit espionage, is life in prison.

'Not Afraid of Prison'

Mr. Ogorodnikov rose first, as his wife sat nearby weeping, to tell the judge an emotional, rambling story of the acts he had done to justify his guilty plea. Declaring, "I am not afraid of American prison," Mr. Ogorodnikov said that anything illegal he had done was done out of his "obligation" to protect his wife, "the mother of my son."

"You have to understand my situation," Mr. Ogorodnikov, 52 years old, told the judge.

He said: "I lost my son, I lost my wife. Who break my life? The F.B.I. They take my wife, they use her like a prostitute while I wait outside like a dog."

Judge Kenyon said the plea agreement was reached after the lawyers approached him on Tuesday with a proposal to settle the case. The Government's offer was made with approval by the Justice Department in Washington, he said.

Brad D. Brian and Gregory P. Stone, lawyers for Mrs. Ogorodnikov, said an order issued earlier by Judge Kenyon prevented them from commenting on the action. Mr. Stone said that order also prevented him from saying whether Mrs. Ogorodnikov would testify for the Government in a trial of Richard W. Miller, the former agent of the Federal Bureau of Investigation who is accused in the case.

Joel Levine, one of Mr. Miller's lawyers, said that he expected the Ogorodnikovs to be called by the Government

to testify at Mr. Miller's trial. Mr. Levine said he would seek to have that trial rescheduled as soon as possible.

The Ogorodnikovs were accused of conspiring last year with Mr. Miller while he was a countespionage agent of the bureau to pass secret documents to the Soviet Union. The bureau said the documents could have given the Soviet intelligence agency "a detailed picture of F.B.I. and U.S. intelligence activities, techniques and requirements."

The Government contended that Mr. Miller was to receive \$85,000 to furnish documents and that he was preparing for a trip with Mrs. Ogorodnikov to Vienna to meet with Soviet intelligence officials at the time the three were arrested last Oct. 2.

'Most Serious Type of Offense'

"We're talking about the most serious type of offense," Judge Kenyon said as he prepared to set sentence, after listening to Mr. Ogorodnikov's explanation of his actions. The judge said the facts indicated that Mr. Ogorodnikov was "involved" in the offense if "not an instigator of it" and that "perhaps a great part of the motive was to protect his family." The couple have one child, 13-year-old boy.

In addition to the charge of conspiracy to communicate defense and classified information to a foreign government, the Ogorodnikovs had originally been charged with receiving and aiding in the receipt of defense and classified information. The Government had to drop the receiving and aiding charges after Mr. Miller denied in court that he had passed any documents to them. The Ogorodnikovs were also charged with bribery of a public official, Mr. Miller, which was dropped under today's agreement.

The agreement was reached after two weeks of sometimes bizarre testimony by Mr. Miller, who testified against the Ogorodnikovs. Mr. Miller testified that Mrs. Ogorodnikov had approached him last May at the F.B.I. officer here, that they began a sexual relationship, and that she told him the Soviet Government would pay him "a lot of money" if he would provide American secrets.

The 48-year-old agent, who is married and has eight children, described her as "drunk and crazy" but said she had seemed "serious and rational" when discussing contacting Soviet offi-

Continued

cials or obtaining information.

Mr. Miller defended himself on the ground that he was trying to achieve glory by infiltrating a cell of the K.G.B., the Soviet intelligence agency.

Mr. Miller testified she had acted in a "pushy" fashion to get him to accompany her on a trip to San Francisco where she was to meet with Soviet officials at the Consulate there. According to the Government, Mrs. Ogorodnikov showed those officials Mr. Miller's credentials as proof of his cooperation. He denied having given them to her or that he was cooperating.

The prosecutors, Bruce G. Merritt and Richard Kendall, had maintained that Mr. and Mrs. Ogorodnikov were untrained agents of the K.G.B. who were played the roles of a paymaster and a seducer for the intelligence agency.

Mrs. Ogorodnikov's defense had been that she worked with Mr. Miller as an informer for the bureau, providing information on the Soviet community here.

Mrs. Ogorodnikov, aided by an interpreter, told the judge she had a junior high school education. She otherwise said little else other than to affirm her guilty plea and that she understood the charges and her rights. The more important defendant at the trial, she did not accept the judge's invitation to explain her actions as her husband did.

Judge Kenyon set a sentencing date for her for July 15.

Mr. Ogorodnikov, who according to his lawyer had been a cab driver in Kiev before he and his wife came to the United States in 1973, said he had "sat in prison for 15 years in the Soviet

Union." He had said at his arraignment last year he had been imprisoned for a "political" crime. He also said today he had "sat in Gestapo prison." This was an apparent reference to what his lawyer, Randy Sue Pollock, had said was his service as a young boy in the Soviet Army at the end of World War II.

The prosecutors had contended that Mr. Ogorodnikov, as perhaps his most overt action in the scheme, had been roused by his wife at their Hollywood apartment for a post-midnight meeting with Mr. Miller last year in which he purportedly discussed paying Mr. Miller for documents.

Addressing the judge excitedly, in a mixture of Russian and English, Mr. Ogorodnikov said today, in answer to a question by the judge, that he had actually talked with the man, whom his wife had told him was an F.B.I. agent.

"When I came down, what he said from that moment I cannot answer," Mr. Ogorodnikov said. "I was in a very nervous condition. Maybe he said something, but I didn't catch the point."

He said, however, that his wife had told him of her planned trip with the agent to Vienna to meet Soviet officials and that he had advised her what flight to take.

Mr. Ogorodnikov described a bad marriage in which he became more and more distressed as his wife became progressively more drunken. He said she began staying out late, sometimes for meetings she said she had. Mr. Miller and another F.B.I. Agent, John Hunt, had testified they met with her to try to develop her as an informer.